

J. ANDREW COOMBS
517 E. WILSON ST. #202
GLENDALE, CA 91206
(818) 500-3200

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ADOBE SYSTEMS INC.

Plaintiff(s)

v.

CAIN, ET AL.

Defendant(s)

CASE NUMBER:
C0802435 RMW

PROOF OF SERVICE
SUMMONS AND COMPLAINT

(Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (specify documents):

- a. ☐ summons ☐ complaint ☐ alias summons ☐ first amended complaint
☐ second amended complaint
☐ third amended complaint

☒ other (specify): (SEE ATTACHED); CLERK'S NOTICE OF SETTING CASE MANAGEMENT CONFERENCE

2. Person served:

- a. ☒ Defendant (name:) CHRISTOPHER CAIN, AN INDIVIDUAL AND D/B/A WWW.ASCENDANCYGROUP.COM
b. ☒ Other (specify name and title or relationship to the party/business named):
MICKIE CAIN - CO-RESIDENT
c. ☒ Address where the papers were served: 89 DAVIS AVE
STATEN ISLAND, NY 10310

3. Manner of Service in compliance with (the appropriate box must be checked):

- a. ☐ Federal Rules of Civil Procedure
b. ☒ California Code of Civil Procedure

4. I served the person named in Item 2:

- a. ☐ By Personal Service. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.
1. ☐ Papers were served on (date): at (time):
b. ☒ By Substituted Service. By leaving copies:
1. ☒ (home) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
2. ☐ (business) or a person apparently in charge of the office, or place of business, at least 18 years of age, who was informed of the general nature of the papers.
3. ☒ Papers were served on (date): 06/05/2008 at (time): 03:06 pm
4. ☒ by mailing (by first-class mail, postage prepaid) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).
5. ☒ papers were mailed on (date): 06/12/2008
6. ☐ due diligence. I made at least three (3) attempts to personally serve the defendant.

PROOF OF SERVICE - SUMMONS AND COMPLAINT

- c. ☐ **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (**Attach completed Waiver of Service of summons and Complaint**).
- d. ☐ **Service on domestic corporation, unincorporated association (including partnership), or public entity.** (F.R.Civ.P. 4(h)) (C.C.P. 416.10) By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity.** (C.C.P. 415.20 only) By leaving during usual business hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies of the persons at the place where the copies were left in full compliance with C.C.P. 415.20 Substitute service upon the California Secretary of State requires a court order. (**Attach a copy of the order to this Proof of Service.**)
- f. ☐ **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f)
- g. ☐ **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- h. ☐ **Other** (specify code section and type of service):

5. Service upon the **United States, and Its Agencies, Corporations or Officers.**

- a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.

Name of person served:


Title of person served:

Date and time of service: (date): at (time):

- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (**Attach signed return receipt or other evidence of actual receipt by the person served**).

6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (name, address and telephone number):

 **KENNETH E. SLOMAN**
JANNEY AND JANNEY ATTORNEY SERVICE, INC.
1545 WILSHIRE BLVD., STE. 311
LOS ANGELES, CA 90017
(213) 628-6338

a. Fee for service: \$ 135.00

b. ☒ Not a registered California process server

c. ☐ Exempt from registration under B&P 22350(b)

d. ☐ Registered California process server
 Registration # :

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: June 20, 2008

KENNETH E. SLOMAN
 Type or Print Server's Name

(Signature)

PROOF OF SERVICE - SUMMONS AND COMPLAINT

SERVICE OF PROCESS ATTACHMENT

LISTING OF DOCUMENTS IN SERVICE PACKET

- Summons;
- Complaint;
- Civil Cover Sheet;
- Notice of Interested Parties;
- Plaintiff's Declination to Proceed Before Magistrate Judge;
- Trademark Notice;
- Copyright Notice;
- Order Setting Initial Case Management Conference and ADR Deadlines;
- Order Setting Case Management Conference;
- Notice of Settlement Conference and Settlement Conference Order;
- Joint Case Management Statement and Proposed Order;
- Notice of Assignment to a U.S. Mag. Judge for Trial;
- Consent to Proceed Before a U.S. Mag. Judge form;
- Declination to Proceed Before a Magistrate Judge form;
- Order of the Chief Judge;
- Notice of Impending Reassignment to a U.S. Dist. Judge (Doc #7);
- Reassignment Order (Doc #8);
- Clerk's Notice Setting Case Management Hearing (Doc #9)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)		FOR COURT USE ONLY	
J. ANDREW COOMBS 517 E. WILSON ST. #202 GLENDALE, CA 91206 TELEPHONE NO.: (818) 500-3200 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO.: (818) 500-3201	
USDC - NORTHERN DISTRICT - SAN JOSE STREET ADDRESS: 280 S. FIRST STREET, #2112 MAILING ADDRESS: CITY AND ZIP CODE: SAN JOSE, CA 95113-3008 BRANCH NAME: NORTHERN DISTRICT - SAN JOSE			
PLAINTIFF/PETITIONER: ADOBE SYSTEMS INC. DEFENDANT/RESPONDENT: CAIN, ET AL.			
PROOF OF SERVICE BY MAIL		CASE NUMBER: C0802435JL	

I am a citizen of the United States and employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 1545 Wilshire Blvd., Los Angeles, CA 90017.

On June 12, 2008, after substituted service under section CCP 415.20(a) or 415.20(b) or FRCIV.P 4(d)(1) was made, I mailed copies of the:

(SEE ATTACHED); CLERK'S NOTICE OF SETTING CASE MANAGEMENT CONFERENCE

to the defendant in said action by placing a true copy thereof enclosed in a sealed envelope, with First Class postage thereon fully prepaid, in the United States Mail at LOS ANGELES, California, addressed as follows:

CHRISTOPHER CAIN, AN INDIVIDUAL AND D/B/A WWW.ASCENDANCYGROUP.COM
89 DAVIS AVE
STATEN ISLAND, NY 10310

I am readily familiar with the firm's practice for collection and processing of documents for mailing. Under that practice, it would be deposited within the United States Postal Service, on that same day, with postage thereon fully prepaid at LOS ANGELES, California in the ordinary course of business.

Fee for Service: 135.00



Janney and Janney Attorney Service, Inc.
 1545 Wilshire Blvd.
 Los Angeles, CA 90017
 (213) 628-6338

I declare under penalty of perjury under the laws of the State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on June 20, 2008.

Signature: _____

SUSIE MADRIGAL

PROOF OF SERVICE BY MAIL

Order#: 1278744/GProof5

SERVICE OF PROCESS ATTACHMENT

LISTING OF DOCUMENTS IN SERVICE PACKET

- Summons;
- Complaint;
- Civil Cover Sheet;
- Notice of Interested Parties;
- Plaintiff's Declaration to Proceed Before Magistrate Judge;
- Trademark Notice;
- Copyright Notice;
- Order Setting Initial Case Management Conference and ADR Deadlines;
- Order Setting Case Management Conference;
- Notice of Settlement Conference and Settlement Conference Order;
- Joint Case Management Statement and Proposed Order;
- Notice of Assignment to a U.S. Mag. Judge for Trial;
- Consent to Proceed Before a U.S. Mag. Judge form;
- Declination to Proceed Before a Magistrate Judge form;
- Order of the Chief Judge;
- Notice of Impending Reassignment to a U.S. Dist. Judge (Doc #7);
- Reassignment Order (Doc #8);
- Clerk's Notice Setting Case Management Hearing (Doc #9)

PROOF OF SERVICE

I, the undersigned, certify and declare that I am over the age of 18 years, employed in the County of Los Angeles, and not a party to the above-entitled cause. I am employed by a member of the Bar of the United States District Court of California. My business address is 517 East Wilson Boulevard, Suite 202, Glendale, California 91206.

On July 8, 2008, I served on the interested parties in this action with the:

• **PROOF OF SERVICE SUMMONS AND COMPLAINT**

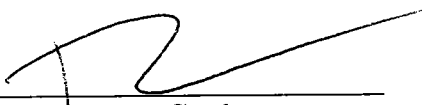
for the following civil action:

Adobe Systems Incorporated v. Christopher Cain, et al.

by placing a true copy thereof in a sealed envelope. I am readily familiar with the office's practice of collecting and processing correspondence for mailing. Under that practice it would be deposited with the United States Postal Service on the same day with postage thereon fully prepaid at Glendale, California in the ordinary course of business. I am aware that on motion of the party served, service presumed invalid if postal cancellation date or postage meter is more than one day after date of deposit for mailing in affidavit.

Christopher Cain, an individual and
d/b/a www.ascendancygroup.com
89 Davis Ave.
Staten Island, NY 10310

Place of Mailing: Glendale, California
Executed on July 8, 2008, at Glendale, California



Jeremy Cordero